

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD EVANS, :
Plaintiff :
v. : Case No. 3:09-cv-17-KRG-KAP
KENNETH CAMERON, SUPERINTENDENT:
S.C.I. CRESSON, et al., :
Defendants :

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on September 2, 2010, docket no. 52, recommending that the defendants' motion for summary judgment, docket no. 43, be granted for lack of evidence that defendants were deliberately indifferent to the initial attack on plaintiff, and lack of evidence that, assuming arguendo that defendants were deliberately indifferent to the continuation of an attack, plaintiff suffered any more than minimal injury as a result.

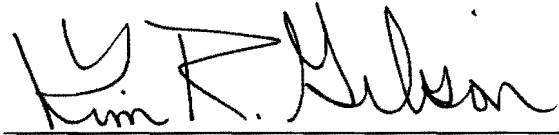
The parties were notified pursuant to 28 U.S.C. § 636(b)(1), that they had fourteen days to file written objections to the Report and Recommendation. Plaintiff filed timely objections which reiterate the legal standards requiring disputes of fact to be resolved in favor of the non-moving party, but which add no evidence and point to no additional evidence of either deliberate indifference or injury.

Upon de novo review of the record of this matter, the Report and Recommendation, and the timely objection thereto, the following order is entered:

AND NOW, this 27th day of September 2010, it is

ORDERED that defendants' motion for summary judgment, docket no. 43, is granted. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

Richard Evans BW-1187
S.C.I. Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000